

FINDINGS OF FACT

Based upon the foregoing, the MREC hereby states:

1. The MREC is an agency of the State of Missouri created and existing pursuant to § 339.120, RSMo, for the purpose of executing and enforcing the provisions of § 339.010 to 339.205 and § 339.710 to 339.860, RSMo, and the regulations promulgated thereunder, relating to real estate salespersons and brokers.
2. Jason Jones is a natural person residing at the address of 3870 Bedford Point Drive, Wentzville, Missouri 63385.
3. On or about October 28, 2016, the MREC received Jones' application for a real estate salesperson license ("Application").
4. On his Application, question 4-13, Jones was asked if he had "been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution in this state, or any other state, or of the United States, whether or not sentence was imposed? **NOTE: This includes Suspended Imposition of Sentence, Suspended Execution of Sentence, and alcohol related offenses, i.e. DWI and BAC.**" Jones responded, "YES" to question 4-13.
5. On or about August 5, 2008, in Case No. 07BB-CR01242-01, Jones pleaded guilty in the Circuit Court of Warren County, Missouri, to the class D felony of Resisting Arrest/Detention/Stop By Fleeing – Creating a Substantial Risk of Serious Injury/Death to Any Person.

1 All statutory references are to the Revised Statutes of Missouri, as amended, unless otherwise specified.

6. On or about August 8, 2012, in Case No. 07BB-CR01242-01, the Court suspended the imposition of sentence and placed Jones on five years' supervised probation. On or about April 12, 2012, the Court modified the Order, suspending the execution of a four year incarceration sentence and continuing Jones on probation. On January 8, 2015, the Court revoked Jones' probation and executed the sentence, ordering Jones to serve his four year incarceration sentence. Jones will be released from probation on April 9, 2017.
7. On his Application, question 4-10, Jones was asked if he had "ever been licensed as a real estate statesperson or broker in Missouri? If yes, provide the approximate dates of licensure and type of license held." Jones responded, "YES" to question 4-10.
8. On March 14, 2013, the MREC placed Jones' salesperson license on probation for five years' as a result of Case No. 07BB-CR01242-1 as well as Jones' failure to disclose the conviction on his 2008 and 2010 renewals. Jones failed to complete the MREC's probation in January 2015 as he failed to file quarterly reports required by the 2013 probation order or inform the MREC of his incarceration. The MREC revoked Jones' license on August 7, 2015. In response to question 4-10, Jones stated he was unable to complete the MREC probation as a result of his incarceration.
9. The crime of Resisting Arrest and subsequent probation violations are offenses of which an essential element is fraud, dishonesty or an act of violence and/or are crimes involving moral turpitude; and the commission of these crimes demonstrates a lack of regard for the health, safety, and welfare of the public.

10. The crime of Resisting Arrest and subsequent probation violations are offenses reasonably related to the qualifications, functions, and duties of a real estate salesperson.
11. Jones' failure to complete the required terms of probation and his failure to report violations to the MREC constitute conduct that is untrustworthy, demonstrates bad faith and is misconduct

II

CONCLUSIONS OF LAW

12. As a result of the conduct identified in Section I herein, cause exists for the MREC to deny Jones' application for a real estate salesperson license pursuant to § 339.080.1, RSMo, which provides: "The commission may refuse to examine or issue a license to any person known by it to be guilty of any of the acts or practices specified in subsection 2 of section 339.100,"
13. As a result of the conduct identified in Section I herein, cause exists for the MREC to deny Jones' application for a real estate salesperson license pursuant to the provisions of § 339.100.2(16), (18) and (19), RSMo, which state:
 2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621, RSMo, against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

...

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

...

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence[.]

14. Section 339.040.1, RSMo, provides that licenses shall be issued only to persons of good moral character who bear a good reputation for honesty, integrity, and fair dealing and who are competent to transact the business of a real estate salesperson in a manner so as to safeguard the public's interest.

15. As a result of the conduct identified in Section I herein, Jones has engaged in conduct and has pleaded guilty to crimes that adversely affect his moral character, his reputation, and his fitness and qualifications to practice as a real estate salesperson.

16. As an alternative to refusing to issue a license, the MREC may, at its discretion, issue a license subject to probation, pursuant to § 324.038.1, RSMo, which provides:

Whenever a board within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which

also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of license, the board, as an alternative to refusing to issue a license, may at its discretion, issue to an applicant a license subject to probation.

17. The MREC issues this Order in lieu of denial of Jones' application for a real estate salesperson license. The MREC has determined that this Order is necessary to ensure the protection of the public.

III

TERMS AND CONDITIONS

18. Based on the foregoing, the Missouri real estate salesperson license issued to Jones is subject to the following terms and conditions.
19. **Jones' license is on probation for three (3) years.** Jones' real estate salesperson license is hereby placed on PROBATION for a period of THREE (3) YEARS from the effective date of this Order. During the period of probation on his real estate salesperson license, Jones shall be entitled to practice as a real estate salesperson provided he adheres to all the terms stated herein. The period of probation shall constitute the "disciplinary period."
20. **Terms and conditions of the disciplinary period.** Terms and conditions of the disciplinary period are as follows:
- A. If at any time during the disciplinary period Jones wishes to transfer his license affiliation to a new broker/brokerage, he must submit a Broker Acknowledgment form signed by the new broker. This acknowledgement is in addition to any other required application, fee, and documentation necessary to

transfer his license. Jones must obtain the Broker Acknowledgement form from the MREC.

B. Jones shall keep the MREC apprised at all times in writing of his current address and telephone number at each place of residence and business. Jones shall notify the MREC in writing within ten days of any change in this information.

C. Jones shall timely renew his Missouri real estate salesperson license, timely pay all fees required for license renewal, and comply with all other requirements necessary to maintain his license in a current and active state. During the disciplinary period, Jones shall not place his license on inactive status as would otherwise be allowed under 20 CSR 2250-4.050. Alternatively, without violating the terms and conditions of this Probated License Order, Jones may surrender his real estate license by submitting a letter to the MREC. If Jones applies for a real estate license after surrender, Jones shall be required to requalify as if an original applicant and the MREC will not be precluded from basing its decision, wholly or partially, on the findings of fact, conclusions of law, and discipline set forth in this Probated License Order.

D. Jones shall meet in person with the MREC or its representative at any such time and place as required by the MREC or its designee upon notification from the MREC or its designee. Said meetings will be at the MREC's discretion and may occur periodically during the probation period.

E. Jones shall immediately submit documents showing compliance with the requirements of this Order to the MREC when requested by the MREC or its designee.

F. During the probationary period, Jones shall accept and comply with unannounced visits from the MREC's representatives to monitor compliance with the terms and conditions of this Order.

G. Jones shall comply with all relevant provisions of Chapter 339, RSMo, as amended; all rules and regulations of the MREC; and all local, state, and federal laws. "State" as used herein refers to the State of Missouri and all other states and territories of the United States.

H. Jones shall report to the MREC each occurrence of Jones's being finally adjudicated and found guilty, or entering a plea of guilty or nolo contendere, in a state or federal criminal prosecution, to felony or misdemeanor offenses, within ten business days of each such occurrence.

21. Upon the expiration and successful completion of the disciplinary period, Jones' real estate salesperson license shall be fully restored if all other requirements of the law have been satisfied; provided, however, that in the event the MREC determines that Jones has violated any term or condition of this Order, the MREC may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Jones's real estate salesperson license.

22. No order shall be entered by the MREC pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before the MREC in accordance with the provisions of Chapter 536, RSMo.


23. If the MREC determines that Jones has violated a term or condition of this Order, which violation would also be actionable in a proceeding before the

Administrative Hearing Commission or the circuit court, the MREC may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning such violation.

24. If any alleged violation of this Order occurs during the disciplinary period, the MREC may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. The MREC has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

25. The MREC will maintain this Order as an open and public record of the MREC as provided in Chapters 339, 610 and 324, RSMo.

SO ORDERED AND EFFECTIVE THIS 11TH DAY OF APRIL 2017.


Terry W. Moore, Executive Director
Missouri Real Estate Commission

BROKER ACKNOWLEDGEMENT

I, _____, am agreeing to allow _____ to
name of broker name of transferring licensee
affiliate their real estate license with _____. I hold a
name of company and/or broker
type of broker license held _____ affiliated with the aforementioned company and I'm authorized
to agree to and allow this affiliation. I understand and acknowledge that the real estate
license of _____ is currently on probation and why it was placed
name of transferring licensee
on probation, and I'm willing to continue with the aforementioned affiliation.

Signature and license number of acknowledging broker